

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUN 06 2012 ★

BROOKLYN OFFICE

-----X
HELEN ROGERS,

Plaintiff,

v.

ORDER

09-CV-3862 (MKB) (WDW)

ROOSEVELT UNION FREE SCHOOL
DISTRICT, ROBERT WAYNE-HARRIS,
DONALD HUMPHREY, FAITH
VAUGHN-SHAVLIO, DONALD CRUMMELL,
BARBARA SOLOMON, TERRI MCGRATH,
YVES MONPOINT, and JONATHAN FINCH,

Defendants.
-----X

MARGO K. BRODIE, United States District Judge:

On April 6, 2012, Plaintiff Helen Rogers proceeding *pro se* filed an Order to Show Cause.¹ Plaintiff's motion sought nineteen forms of relief, including an *ex parte* hearing and leave to amend the complaint. The Court referred Plaintiff's motion to Magistrate Judge Wall. On May 4, 2012, Magistrate Judge Wall issued a report and recommendation (the "Report & Recommendation"), which recommends that Plaintiff's motion be denied in its entirety. Plaintiff timely filed objections to the Report & Recommendation. On May 31, 2012, the Court held a

¹ Plaintiff's Motion for an Order to Show Cause (Docket No. 50) and Plaintiff's Motion to Amend the Complaint (Docket No. 60) are, in fact, the same motion. Plaintiff's motion was originally sent to the Central Islip Office but was not received and docketed by this Court until May 31, 2012. During an April 23, 2012 telephone conference, defense counsel advised the Court that she had received Plaintiff's Order to Show Cause. At the Court's request, defense counsel filed Plaintiff's motion electronically. As a result, Plaintiff's motion appears on the docket twice.

telephone conference with the parties to discuss the Report & Recommendation and Defendants' contemplated motion for summary judgment.

A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). When a party submits a timely objection to a report and recommendation, the district court reviews the parts of the report and recommendation to which the party objected under a *de novo* standard of review. *Id.* The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record. *Id.*; see *Wilds v. UPS, Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

Having reviewed the objections to Magistrate Judge Wall's Report & Recommendation, the Court adopts the Report & Recommendation in its entirety and denies Plaintiff's motion. As Magistrate Judge Wall notes, the majority of Plaintiff's claims for relief express her desire to argue and prove the merits of her claim. (Report & Recommendation 3.) As the Court informed Plaintiff during the May 31, 2012 telephone conference, Plaintiff will have the opportunity to argue the merits of her claim both in writing and orally in response to Defendants' motion for summary judgment. Additionally, Defendants will be required to provide Plaintiff with any documents relied on in support of their motion, and Plaintiff is reminded that she must cite to specific documents in her opposition and submit those documents to the Court.

The Report & Recommendation is adopted in its entirety and Plaintiff's Order to Show Cause is denied. The parties are to proceed with the briefing schedule set by the Court at the May 31, 2012 telephone conference: Defendants' motion for summary judgment is due June 28, 2012; Plaintiff's opposition is due August 8, 2012; and Defendants' reply is due August 22,

2012. Plaintiff shall mail all documents to the Pro Se Office in Brooklyn: 225 Cadman Plaza East, Brooklyn, New York 11201. Oral argument will be held by telephone on August 31, 2012 at 11:00 a.m.

SO ORDERED:

/S/

MARGO K. BRODIE
United States District Judge

Dated: June 6, 2012
Brooklyn, New York